DECLARATION OF ALI MOGHADDAS

I, Ali Moghaddas, declare and state as follows:

- 1. I am an Assistant United States Attorney ("AUSA") for the Central District of California. Together with AUSA Scott Paetty, I represent the government in <u>United States v. Christopher K. Kamon</u>, No. 22-MJ-4385-DUTY. I make this declaration in support of the government's opposition to defendant's Application for Review/Reconsideration of the Order Setting Detention.
- 2. Attached hereto as **Exhibit 1** is a true and correct copy of the transcript of defendant's detention hearing on November 10, 2022 in the United States District Court for the District of Maryland.
- 3. Attached hereto as **Exhibit 2** are true and correct copies of an October 31, 2022 subpoena response by Skadden, Arps, Slate, Meagher & Flom LLP, and a November 7, 2022 follow-up e-mail regarding defendant's whereabouts.
- 4. On November 5, 2022, the date of defendant's arrest, AUSA Scott Paetty and I had a telephonic conversation with defendant's counsel, Jack DiCanio, wherein Mr. DiCanio indicated that although he understood defendant was looking to get a fresh start outside of California, he was not aware that defendant had moved to The Bahamas.
- 5. Attached hereto as **Exhibit 3** is a true and correct copy of a December 8, 2022 affidavit executed by defendant, including the relevant excerpts of proceedings from <u>In re: Lion Air Flight JT 610 Crash</u>, 18-CV-07686-TMD (N.D. Ill.).
- 6. Attached hereto as **Exhibit 4** are true and correct excerpts of banking records reflecting several wire transfers from defendant's domestic bank accounts to accounts in both The Bahamas and Hungary.

- 7. Attached hereto as **Exhibit 5** are true and correct copies of checks issued by Bravo Construction to Hammer and Wood, as well as a public records report for Hammer and Wood indicating Mr. Kuo's role as an "Officer" of the company.
- 8. Attached hereto as **Exhibits 6 and 7** are true and correct copies of defendant's filings from the Girardi Keese bankruptcy matter in Case No. 20-bk-21022.
- 9. On December 31, 2022, IRS CI Special Agent Ryan Roberson and I had a telephonic conversation with the Girardi Keese bankruptcy trustee, Elissa Miller, and attorney Philip Strok. Ms. Miller and Mr. Strok described for us defendant's lack of cooperation in the bankruptcy proceedings including his vigorous opposition to the trustee's attempts to designate defendant as the person most knowledgeable ("PMK") for Girardi Keese. Ultimately, after the bankruptcy court ordered defendant to appear and testify as the PMK, defendant invoked his 5th Amendment right against self-incrimination to virtually every question asked during the examination. In fact, defendant even declined to verify his current address when asked.

 Ms. Miller provided the government with the audio recording of the approximate one-hour examination, which I can lodge with the Court upon request.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed at Los Angeles, California, on January 3, 2023.

/s/ Ali Moghaddas

ALI MOGHADDAS

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DISTRICT

- - - - - - - X

UNITED STATES OF AMERICA

:

v. : Criminal No. 22-03247-MJM

:

CHRISTOPHER K. KAMON,

:

Defendant. : Baltimore, Maryland

:

----x November 10, 2022

DETENTION HEARING

BEFORE: THE HONORABLE MATTHEW J. MADDOX, JUDGE

APPEARANCES: COLLEEN McGUINN, Esq.

Office of the U.S. Attorney

36 South Charles Street

Fourth Floor

Baltimore, Maryland 21201

On Behalf of the Government

JESSIE LIU, Esq.

Skadden, Arps, Slate, Meagher

& Flom

1440 New York Avenue, NW

Washington, DC 20005

On Behalf of the Defendant

Also Present: Nikki Martin, PTO

Ryan Roberson, IRS Special Agent

Audio Operator: Telita Davis

Transcription Company: CompuScribe

P.O. Box 789

Cheltenham, Maryland 20706-9998

Proceeding recorded by electronic sound recording, transcript produced by transcription service.

Ruling by the Court

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Keynote: "---" indicates indiscernible in the transcript.

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PROCEEDINGS

(Whereupon, at 12:20 p.m., the hearing began.)

MS. McGUINN: Your Honor, good morning, Colleen

McGuinn on behalf of the Government, calling United States of

America versus Christopher Kamon. Which is our local case

number 22-3247M. Your Honor, good morning and to my -
excuse me, I think it is afternoon. To my left is Special

Agent Ryan Roberson with the IRS.

THE COURT: All right. Good morning to both of you. And I will note that we have Nikki Martin here from pre-trial and probation. Good morning.

MS. MARTIN: Good morning, Your Honor.

THE COURT: Good morning, Ms. Liu.

MS. LIU: Good morning. Your Honor, Jessie Liu on behalf of Christopher Kamon.

THE COURT: Good morning, Mr. Kamon. You all may be seated. Mr. Kamon, you are here for your detention hearing. It will be decided today whether you will be ordered detained pending your trial in this criminal case. It is pending in the Central District of California.

I expect that various aspects of the case will be discussed. Possibly to include some of the evidence against you. And I expect that the lawyers may say things like drawing conclusions based upon the evidence that they will be discussing. But I want you to rest assured that today is not

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the day of your trial.

Today is not the day where you will be judged innocent or guilty of the charges but one of the things that I have to consider today is the weight of the evidence against you. So the evidence will be discussed. But until the date of your trial, you will still be entitled to the presumption of innocence. Do you understand all of that?

THE DEFENDANT: Yes.

THE COURT: Okay. Very well.

Okay, So Ms. McGuinn, this is your motion for detention. So I will hear from you first. But first I will have you address the question of the statutory basis to hold a detention hearing here today.

MS. McGUINN: Thank you, Your Honor. The statutory basis would be the Government's request based on the Defendant's risk of flight under 3141(f)(2)(a). The seriousness of flight -- this is a allegation of wire fraud which carries a maximum penalty of 30 years. So that is the basis.

THE COURT: All right. So thanks very much. So what is the evidence as to risk of flight?

MS. McGUINN: Thank you. Your Honor, if it is okay with Your Honor, I am going to briefly address the factors under G and then I will address the flight which is sort of the major issue.

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THE COURT: All right. Thanks very much.

MS. McGUINN: Thank you. Your Honor, under 3142(g) the factors as to why detention is appropriate and I am going to touch on those briefly because I will submit now that flight is the most weighing concern on the Government at this point. But the factors to be considered by this Court are certainly the nature and circumstances of the offense. I am sure that Your Honor has had an opportunity to read the complaint that came to us from California.

But briefly if I may, the allegations in this case surround the fact that the Defendant was the Chief Financial Officer for a large L.A. law firm called Girardi Keese. And when I say a large law firm, for someone like me who has been a prosecutor my whole life, when I hear a firm that makes hundreds of millions of dollars a year, that is unfathomable to me but apparently that is the type of law firm that we are dealing with.

In this case, that firm was bringing in that type of money until it as forced into involuntary bankruptcy in 2020. The Defendant by the very nature of being a CFO had precise and very specific information as to how the finances in this law firm worked. In this case and what is charged in the complaint, is the allegations of what I will call sort of a side fraud which is he is directly responsible under these allegations for approximately \$10 million or more of a loss

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from Girardi Keese which I will refer to as GK.

That firm is also the subject of a larger theft scheme that is being investigated with other targets or persons being charged and the loss on that is about \$100 million of a schedule and that loss is from clients who paid the firm for their services and that money was being funneled out and stolen in part by this Defendant but as well as other lawyers in the firm.

It is very -- it is known that the Defendant was responsible for cutting the checks for this firm. He was in charge of distributing settlements or the money to the clients. He had intimate knowledge of the attorneys and the clients in this firm and who was getting paid and who wasn't. He was very aware that these clients were therefore not getting paid in the way that they were supposed to under their arrangement with this law firm.

This is not a Robin Hood type of theft. This is not a drug addiction type of fueled theft. This is purely greed and a lavish lifestyle. My colleagues in California told me that the base level offense in this case just for Your Honor's consideration is a 33 and that has guidelines again just for our purposes of discussion, not final number, we are already talking 135 to 168 months for this particular offense.

THE COURT: That is the range?

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MS. McGUINN: That is the range right now. And again obviously as you know that is just an approximate for today's discussion. The weight of the evidence against the Defendant is vast. To my left as I introduced him to you is Special Agent Roberson who -- he and other agency -- FBI is involved in this as well. The IRS shared with me, lots of information about this particular case.

I will tell you that the co-schemers were interviewed as part of this case already. And they have informed law enforcement that the Defendant would specifically give them thousands of dollars in checks for refurnishing his own personal home or for them to deposit into their account and then they would give cash back to him. And these companies were actually in the books that GK maintained, listed as other vendors.

He set up these kind of shell arrangements with these co-schemers giving them money, taking -- I will use the colloquial term kickbacks, from them in order to hide the theft that he was committing. He used checks from the company as I sort of indicated to do multi-thousand dollar repairs on his own personal property. He is responsible for the cooking of the books if we can use that term where he was paying checks to Bravo which is one of the construction companies in this case, but they were listed as something else in the books.

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He also had a female that he was paying \$20,000 a month, sort of -- I will use the term retainer. She was his companion and apparently they met on an escort service type of website. He would lavish her with gifts including purses that are valued at \$120,000 including trips to Africa on safari and things of that nature.

The Defendant makes about \$350,000 from last time he filed taxes. And his lifestyle that we are hearing about is clearly someone who is living well outside that and is being furnished by the money that he was stealing from the law firm. The female witness that I was speaking of, is sort of the person who provided the most information about the flight risk that we will get to in a moment.

But she was someone who was also receiving and benefitting from the money that the Defendant was stealing from the law firm. As to the history and characteristics of him, and the dangerousness, I will sort of submit on that. There are no prior convictions as is all too often with while collared type crimes. This is not someone who comes from a background of a -- in a criminal world.

But it is interesting and I would note in Ms.

Martin's report that when he was asked to sort of discuss his finances which would certainly be important as to whether or not any sort of monetary bail would be appropriate, understandably he was advised by counsel not to discuss it

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but I would simply submit, Your Honor, that we have absolutely no idea given the nature of the theft that I laid out for you, what ever counsel presents as far as money that he can put forth. Whether that is actually his money or whether that is money that is part and parcel of this \$10 million or more dollar theft. That money from the law firm was also seen paying for automobiles, Porsches. He had more than one that he had.

He had, I think it is 5 properties in California.

MR. : Not in California.

MS. McGUINN: Oh 5 properties total, I apologize. It is hard to know when he is not willing to discuss what his actual direct finances are and we know that he is under the shadow of all of this money going into his bank account that this money that he might be talking about is in fact the proceeds of the theft -- not only that he committed under this complaint but which is being investigated in the larger investigation.

THE COURT: Can I ask about the evidence that supports these additional properties in California? I understood that he admitted that he did own a property in California that he recently sold.

MS. McGUINN: Yes.

THE COURT: So what is the evidence as to the other properties?

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MS. McGUINN: He sold those properties as well, Your Honor. They are -- they were listed in other parts of California and he has since liquidated them and sold them. THE COURT: But what is the evidence that it is him? I mean, what is the nature of the records that supports his ownership of those properties? MS. McGUINN: So it is my understanding from my colleagues in California that they did searches of the sales and determined that he was the person who had bought and sold those. THE COURT: Thanks very much. MR. : And we have mortgage payments. MS. McGUINN: And they have the mortgage payments as well, Your Honor. THE COURT: Great. Thank you. MS. McGUINN: I appreciate that. Thank you.

those are addressing the factors that we have here today. But the main reason as I am sure Your Honor suspects from reading the complaint is the Government's concern of flight. And while it is true that for the most part, when I or other prosecutors stand in court on a wire fraud case, we are not usually asking for detention. It is not common.

Typically if a person has an attorney and it is a wire fraud case and we are not talking about violence and we are not talking about danger to the community, it is not too

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often that we would stand here and ask Your Honor to detain someone on a crime such as wire fraud. That that is what makes this Defendant so different from perhaps his other cohorts that have or will be charged. This Defendant fled.

The information that the Government has received is that the female witness was interviewed by law enforcement and other lawyers in relation to yet another case that the Defendant is involved in. And she in August of 2022, after she was contacted by FBI and law enforcement told the Defendant that they had found her and that they had interviewed her and that they had talked to her. And she tipped him off that this investigation was coming and circling around him.

And it is at that point after learning that she had been interviewed and some of his other co-schemers that he had given these checks to, who they then gave cash back to him after they had been interviewed, it is at that time that on September 21st of 2022, he boarded a flight for the Bahamas, had booked a return flight but just never got on that return flight.

THE COURT: Can I ask you one question about something you --

MS. McGUINN: Yes.

THE COURT: -- just said. You indicated what the alleged escort said with regards to his having disclosed to

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him that -- to the Defendant that agents had come asking about him. I remember reading something from the complaint to the effect of Mr. Kamon expected or suspected that he may be implicated in fraudulent conduct prior to the agent speaking to Ms. Rokita(sic). And that he made statements about potentially leaving the country at that point in time. Is all that correct?

MS. McGUINN: Yes, Your Honor. Everything that is in the complaint is correct. But what is interesting is that now he is actually -- they have actually found this witness who actually has a very intimate knowledge of this particular Defendant and she is laying out that information. I would argue that it is at that point while he was thinking, had been planning and thinking about doing these things, the writing is now on the wall. And it is at that point on September 21st that he fled to the Bahamas. But he had been talking about it prior to that, yes.

In fact he had told that same witness that he was thinking of doing this and changing his name and doing what he needed to do to sort of disappear off of the radar. And upon going to the Bahamas, Your Honor, as I indicated, he did not take the return flight home and he just so happened to show up in BWI airport this past Friday night. He has a sister as Your Honor probably saw in the report Ms. Martin prepared, who lives here in Maryland. And it is from our

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information and from my discussions with my law enforcement colleagues, that ticket was kind of a last minute because it popped up that same day and everyone scrambled to get the complaint done on that Friday.

The theft allegations did become public as Your
Honor read in the complaint in 2020 and 2021 and it is at
that point as Mr. -- Agent Roberson was indicating, he began
to sell all those residences that he has in the United States
and liquidating those. I will tell Your Honor that with
regard to the Bahamas, \$2.2 million was wired by the

Defendant to a law firm in the Bahamas that he confirmed in
an e-mail was going through with the purchase of his home
which was \$2.4 million property in the Bahamas. And that sale
was finalized on October 13th of 2022.

And I will -- through some research of my own, and that of my colleagues, in the Bahamas, you can get permanent residency quicker if you purchase a property that is over \$750,000. And while extradition is certainly -- you know, I guess we have an extradition agreement with the Bahamas, once you are a permanent resident, as I am sure Your Honor know, that complicates that process for sure. Slows it down. And from what my colleague in California has indicated to me from the Office of Internal Affairs, they have had a lot of issues with the Bahamas lately and things taking months and years in order for the extradition process to continue or to produce

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the person back to the United States.

As I indicated, he has been liquidating his assets. There were the sale of 3 or 4 Porsche vehicles. And those proceeds were actually seen going into his bank account and ultimately wired to pay for the house in the Bahamas. And it should be noted that the law firm, GK, is actually who made the payments for those Porsches. For other Porsches that he owned.

Your Honor, on page 7 of the complaint there is the discussion of one of his co-schemers, Mr. Arazola(sic) who is a person who works in construction. He did significant work on the Defendant's home, the one that was recently sold in September including about a \$13 million renovation on that home. On the other home in Encino. And at the home in Palos Verdes. They were 106 checks written to him and he was listed as a plumbing vendor in the books.

THE COURT: Did you say \$13 million?

MS. McGUINN: 13 month renovation, I am sorry. 13 month. I apologize, I am sorry, Your Honor.

THE COURT: That is all right.

MS. McGUINN: That house in Encino, that he did the renovations on sold for 680,000 which was also forwarded for the purchase of the Bahama house. Sorry, Your Honor, the agent is just confirming for me that that house actually sold for 3.3 but 680 we can confirm was sent for the -- towards

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the purpose of the Bahamas home. I just want to clarify that 1 2 point. 3 THE COURT: You said 680? 680,000? 4 MS. McGUINN: Yes. Approximately. 5 THE COURT: Is that part of the 2.2 million that 6 was wired? 7 MS. McGUINN: Yes. 8 THE COURT: Overseas to the Bahamas? 9 MS. McGUINN: Yes. 10 THE COURT: And so the money that was wired was 11 used to purchase the Bahamas property? 12 MS. McGUINN: Yes. 13 THE COURT: Okay. 14 MS. McGUINN: Your Honor, aside from that, when the 15 Defendant was arrested and at BWI airport, it should be noted that he had four mobile phones on his person. 16 17 consistent with what other witnesses who have been spoken to 18 about him talking about leaving the country and talking about 19 leaving and that he was starting to get -- I will use the 20 word paranoid about law enforcement and was starting to cycle 21 through different cell phones that he was using. Those cell 22 phones have been seized and are still being processed for 23 purposes of the search warrant. 24 Your Honor, he -- it should be noted and this was I

believe in the complaint, actually it was not in the

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complaint, my colleague in California shared with me that the Defendant was part of a civil -- Federal civil suit in San Francisco in California and that he actually evaded service of process for several months and it took the District Court judge there had to extend the service period for the Plaintiffs because he kept ducking service.

I bring that to your attention only because it just shows a pattern of this Defendant not complying or being difficult in his compliance with orders of this Court or of the Court in general. Your Honor, he has an absolute reason to flee but more importantly he has shown that he would flee and more importantly he has the assets to do that. In this particular case, given the pattern of behavior I have laid out, a promise of a bond or would almost mean nothing, moreover, there is nothing that can be done at this point to show that that money or large amount of money would belong to him anyway.

If you look at the pre-trial services report that

Ms. Martin prepared, he talks that -- about that he had been

living with his sister which is simply not true. He had not

been living with his sister. He boarded a flight from

California and went to the Bahamas and that is where he has

been. He talks about his previous California residences but

never mentions the fact that he owned a home in the Bahamas.

He was not forthright with Ms. Martin when he was laying his

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residential history.

In the interview with his sister, who is the only person held out to Ms. Martin to be an appropriate third party custodian, even Ms. Martin would agree and has agreed that she would not necessarily be appropriate because for all the reasons outlaid in her report but I would say to Your Honor one, he wasn't physically living there anyway and he was already lying about that. And he is moreover, 3,000 miles away from where he has been needed to go to court which makes it difficult when he has already fled the country to begin with.

He has shown in the last 10 -- over 20 excuse me I think it is the last 10 to 20 years he has multiple international flights to at least 10 international countries which suggests that he has at least some knowledge of international travel and places to go. His attorneys --

THE COURT: I am sorry, is that reflected in the pre-trial services report what you just said?

MS. McGUINN: The international travel, yes. That is one of Ms. Martin's reasons.

THE COURT: I am trying to -- oh but you had additional detail about that?

MS. McGUINN: Yes, I had additional detail.

THE COURT: And what -- can you review that again because I -- it went by a little too fast for me.

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MS. McGUINN: That is fine, Your Honor. I just want to make sure it is -- the Defendant has been known to travel internationally to at least 10 different countries over the past 20 years. I think it just suggests the person who understands international travel and certainly has the means and ability to move around.

But importantly and notably to the Government, Your Honor, is we have the -- a letter and an e-mail from his law firm that represents him today but it is from the firm that actually is in -- the branch of their firm that is actually in Chicago, in Illinois. And they were asked where the Defendant was living, to provide that information. And in a letter dated October 31st, so just recently, they provided that Palos Alos address in California. That is the last address they had. They provided his cell phone number and his e-mail address and he was not there.

THE COURT: That was after he had sold it.

MS. McGUINN: Excuse me? He had sold it --

THE COURT: He had sold it.

MS. McGUINN: Yes, it is after he had sold it, yes. And also notably that same law firm or branch of his law firm in Illinois, in an e-mail dated November 7th, so just a couple of days ago and in fact while we were here in Court, sent an e-mail stating that they still don't have any other address for him. So he was being represented by this law

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firm. They have no idea where he was. His sister had no idea where he was. She said in the pre-sentence -- or excuse me, the pre-trial services report that she thought he was -- he had been traveling to the Bahamas but she really had no idea where he was actually living.

That all in all, Your Honor, when you put all of those things together, he is absolutely and completely and totally a flight risk in this case. He has shown that he has the ability and the desire to get out of our country. He has bought a property in the Bahamas that he still owns. He left and did not want or board his return flight. Even if we surrender his passport, at this point we have no idea where his assets are, where they are hidden, what he may have done with these millions of dollars where at this point for purposes of this discussion, is stolen money.

Any promises of a monetary bond quite frankly is probably paved with dirty money. There would be no way to show that at this point. There is no reason at this point to let him go today, just so that he can go on the run again. It is appropriate to hold him in detention, let him return to California. If there is a different picture that is put together in the next coming weeks, by his Counsel, they are able to determine a place for him to leave in California or something like that, allow that California judge and those attorneys to figure that out.

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But right now, there is just not enough information to secure that he is going to stay if Your Honor releases him here in Maryland today, 3,000 miles away from the court where he is due to report when he has in fact a home in the Bahamas that he has already purchased and has fled to before. If there are any other questions, Your Honor, I have the agent here to my left, if Your Honor has any other specific questions. I would submit to Your Honor certainly as you know, this is borrowed information. The agent has much more specific information if Your Honor has any questions.

THE COURT: Okay. I am not sure how specific this question is getting to but do you have -- I know you have accounted for or you have computed or the investigators in the case have computed losses totaling somewhere around \$10 million. How much of that is unaccounted for? Or do we know how much of that is unaccounted for approximately? Because we know where some of it went. Some of it went to purchase property in the Bahamas for example. But what happened to the rest?

MS. McGUINN: So the Agent is indicating obviously they are having a hard time tracking down all of the assets but he did start several companies and he was traveling quite a bit lavishly. The vehicles that I discussed, the homes that he purchased. But as far as the absolute direct connection to that 10 million, at this point we don't have a

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whole clear picture of every dollar that was -- that came from that particular theft.

THE COURT: And do you have any information regarding why he may have returned to the United States specifically?

MS. McGUINN: All I know is that his sister lives here in Elkridge. I couldn't tell you why. I don't know if it is because something was going on with her, she was sick, I don't know. I just know that the day of the flight is the day that the FBI -- he was -- his flight information was certainly flagged for if and when he would return to the United States and the flight came up the day of the flight.

THE COURT: Understood. Thank you, Ms. McGuinn.

Ms. Liu?

MS. LIU: Good afternoon, Your Honor, thank you very much. I would like to start by addressing the circumstances of the offense and I know that the statute refers to the circumstances of the offense charged. And the Government has made a number of allegations surrounding Girardi Keese and of course, there is quite a bit in the media and elsewhere about Girardi Keese the law firm, but I want to make a point that even on the papers charging my client, he is not charged with any overarching fraud that others at Girardi Keese may have committed.

The wire fraud charges are based on an allegation

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that he embezzled money for his own benefit from Girardi Keese. So I don't think it is appropriate to take into account all of the other allegations as yet unproven about what else may have been happening at the law firm in which he was working.

THE COURT: Well doesn't the statute allow me to consider past conduct? Irrespective as to whether it was criminal in nature? Whether it -- regardless as to whether it was charged or not? Past conduct.

MS. LIU: It does, Your Honor, but that past conduct as of yet there is no evidence on that other than that he was a bookkeeper and he worked a Girardi Keese for a length of time. And the -- again if he is charged with committing certain acts in this particular case and I submit, Your Honor, that it would be unfair to consider all of the other allegations that are out there about Girardi Keese.

Because at this point, he is not charged with those offenses.

THE COURT: Okay. I understand.

MS. LIU: I also like to then turn to what I agreed with the Government is the crux of the hearing today, which is the risk of flight. Mr. Kamon is not a risk of flight.

And I want to address one of the specific points that the Government has just made. First of all, it was suggested that after the individual that the Government refers to as an escort was interviewed by the Government that she tipped off

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my client and that he then went to the Bahamas.

In fact, the timing was just the opposite based on what is alleged in the affidavit. It appears from that recitation of the facts that he went to the Bahamas on September 21st and that the individual the Government refers to was interviewed on September 30th. I also want to address a few things about the Bahamas. As the Government acknowledges, there is an extradition treaty between the United States and the Bahamas.

So if Mr. Kamon was trying to flee and put himself outside the reach of the U.S. Government, he did a very bad job of it. He chose to go somewhere with an extradition treaty. He chose to purchase a home in the Bahamas in his own name. He was attempting to obtain residency there in his own name and most of all, Your Honor, he returned to the United States. He was arrested at BWI airport not because he was trying to leave the country but because he was voluntarily coming back into the country and obviously had no idea that this arrest warrant was waiting for him.

He does have a sister who lives in this district.

And he was coming back to see her. There are a couple of other things I would like to address as well with respect to the risk of flight. First of all, Mr. Kamon has worked with counsel and has been cooperative with various legal proceedings over the last several years. He was previously

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represented by an attorney named Richard Steinguard and then he was represented by my firm. The U.S. Attorney's office in Chicago as Your Honor may know, received a referral from the Federal District Court there, related to Girardi Keese and Mr. Kamon's attorneys have been in touch with the U.S. Attorney's office in Chicago and did not or were not told that there was any pending there. That is where they believed that an investigation was pending if it was indeed pending.

My partner, Jack DiCanio received a reach out from the U.S. Attorney's office in Chicago on August 15th, 2002(sic) and called back several times and did not get a return call. And so we simply didn't realize that there was again, I should say there was no attempt to try to dodge a Federal investigation.

THE COURT: What was the purpose of the call?

MS. LIU: We don't know. There was a reach out saying please call and as I understand it from my partner, he tried several times to reach the AUSA who called and just didn't hear back. And that was shortly in August of 2022.

THE COURT: But it does sound like, at least according to what Ms. McGuinn told me is that there had been some contacts with the law firm. I am not sure exactly what the time frame of that is, you may be talking about a later time frame. But there were earlier contacts with the law

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firm, correct?

MS. LIU: There have been earlier -- I mean, Mr. Kamon has had counsel since at least the spring of 2021. And again first Mr. Steinguard and then my partner, Mr. DiCanio and the Law firm of Skadden, Arps. I also want to point out that the Girardi Keese Law Firm went into bankruptcy in late 2020. And according to the Government's own allegations here today, Mr. Kamon did not leave the country until September of 2022, that was almost 2 years later.

And so he was there from September -- late

September until he returned in early November. That was a

period of about 5 or 6 weeks. And so if he were trying to

flee, he could have done so at any point in that two year

period. He could have not returned to the United States. He

could have chosen to go somewhere that didn't have an

extradition treaty.

He could have tapped in to the various resources that the Government alleges that he has. We are certainly not conceding any of the facts that the Government has alleged today but the fact of the matter is Your Honor is that he came back of his own accord. He has the support of --

THE COURT: To Maryland?

MS. LIU: Yes, Your Honor.

THE COURT: Not to California.

lnc " 26

MS. LIU: Not to California. To Maryland where his sister lives, Your Honor. He has not been employed in California since 2020 so there was really no reason for him to go back to California. Although he does also have family there who remain supportive of him. We made an effort to negotiate a potential bond package with the U.S. Attorney's office in the Central District of California.

Four properties were put on the table as part of that bond package. There has been a suggestion that those properties may have been purchased with "dirty money". And that is — I want to point to two properties in particular. One of them was the family home of Mr. Kamon's cousin. There is no evidence whatsoever that that cousin was in any way involved in wrong doing. And another property was a property that Mr. Kamon inherited from his parents who unfortunately were both deceased fairly recently. And there is no allegation that I am aware of or any evidence this parents were or that property that his parents owned were somehow purchased with dirty money.

THE COURT: Who owns that property now?

MS. LIU: It is inherited -- it has been inherited by Mr. Kamon.

THE COURT: Okay.

MS. LIU: So as part of the -- our understanding is that -- and we are still trying to confirm this, Your Honor

lnc 27

is that Mr. Kamon does have a cousin in California who is willing to have Mr. Kamon live with him. We would of course, agree to the standard of conditions of release if he were to be released today to make his way back to California to address the charges there. And there are a couple of other things that I want to address that the Government has made. I think there are a bit somewhat minor compared to some of the things that we have already discussed but I do want to make sure that they don't go unanswered.

There has been a lot of discussion about Mr. Kamon liquidating his assets. He has been unemployed since the Girardi Keese law firm collapsed in 2020. And so I don't think it should be any surprise that he has been in need of assets and resources. He -- sorry, Your Honor, I just want to make sure that I have covered all of my points here. In addition, Your Honor there is an allegation that he had four mobile phones on him.

I personally have three on me at the moment. And an Ipad, so I don't know exactly where that -- I don't think that that is necessarily an indication of wrongdoing. At least I hope not, Your Honor. The Government has also pointed out that Mr. Kamon traveled to 10 different countries in the last 20 years. That is about two international trips a year on average and I submit, Your Honor, that that is not terribly unreasonable either --

lnc _u 28

THE COURT: Did you say 20 countries in the past 10 years or 10 countries in the past 20 years --

MS. LIU: I heard 10 different countries in the last 20 years.

THE COURT: So that is one every two years?

MS. LIU: That is --

THE COURT: On average.

MS. LIU: I think that is on average 2 countries a year, I don't have information about what countries those are. But I don't -- I submit, Your Honor that it is not unusual for someone who enjoys traveling to visit a couple of countries a year.

THE COURT: No, it is not unusual but I think if that fact was offered to support the notion that he is not unfamiliar with international travel. Is an argument in favor of a flight obviously.

MS. LIU: Your Honor, I understand yes, what the argument was but what that allegation was offered for. But I think I would simply restate that whether he is familiar with intentional travel or not, he just didn't flee under these facts. He was in the country for two years. He then went to the Bahamas for five weeks and then he came back. And he didn't come back to California because that was not where he had a job and he came back to Maryland because that is where his sister lives.

And so, I submit Your Honor, that given the -- as the Government has acknowledged -- it does not typically ask for detention in a wire fraud case, which this is and I submit Your Honor that given the allegations in the Government's complaint and affidavit, again focusing on the specific allegations against Mr. Kamon which we certainly don't agree with and the facts over the last two years since the collapse of the Girardi Keese Law Firm that he is not a flight risk and that Your Honor should release him today to return to California to address the case that is there.

THE COURT: Ms. Liu, I just wanted to make sure that I understood what you said earlier with respect to the timing. You have made reference to events occurring in or being described in paragraph 31 of the complaint. You said that the timing was off in some kind of way. I think you made reference to the witness being interviewed on September 30th?

MS. LIU: Yes, Your Honor. In paragraph 31, there is an allegation that oh I see -- this is an allegation that Federal investigators tried to contact the witness in or around August 22nd and then the allegation is that he booked a flight in September. There was another paragraph 25 that says that she was interviewed on September 30th, which is after he left.

THE COURT: Okay. Thank you.

MS. LIU: And that was what I was referring to.

lnc 30

THE COURT: Understood. Let's see -- anyway of explaining --

MS. LIU: Your Honor, one more thing to add was that my understanding is that Mr. Kamon had gone back and forth from the Bahamas to the United States a couple of times and that he returned on November 5th because of a specific event relating to his family. I don't want to get into the specific details here in open court. But of course, I am happy to approach if that is helpful.

THE COURT: What is the time frame with the travels to the Bahamas?

MS. LIU: Your Honor, my understand is that there were several trips between May of 2022 and September relating to the purchase of a home in the Bahamas. And that the reason for Mr. Kamon's failure to return on September 22nd was because there was a delay relating to the purchase of that home.

THE COURT: Okay. And do you have any way of explaining the discrepant information that we have received with regards to his resident status? You seem to be conceding that he bought residential property in the Bahamas but apparently he indicated to pre-trial services that he was living with a sister who denies that he was living with her.

MS. LIU: Could I have the Court's indulgence for a moment, Your Honor?

lnc " 31

1 THE COURT: Yes.

(Pause.)

MS. LIU: Your Honor, my understanding is that the house in the Bahamas just closed a couple of weeks ago and so until that point, my client didn't have a residence in the Bahamas. And so he was using his sister's address.

THE COURT: All right. Thank you, Ms. Liu.

Ms. McGuinn, do you have any response?

MS. McGUINN: Just briefly, Your Honor, it is quite differently to say you are living somewhere versus using someone's address. He told Ms. Martin that he was living there which is quite different and more importantly never said a word to her that he had purchased a home in the Bahamas and was planning to -- ultimately reside there. I think that is quite deceptive as to trying to hide or not know or have us all not know where he is.

I think it is notable quite frankly that his own law firm up until the 7th -- the day that we were first here, didn't even know where he was. Thought he was still living in a house that he had already sold over a month prior. Your Honor -- and moreover that that house in the Bahamas as indicated from my previous presentation was purchased using money that we know was stolen.

Your Honor, the only -- I think the only way a release could be reliable to this Court would be a third

lnc " 32

party custodian and right now, we don't have one. We don't have a reliable one at all. The sister had no idea where he was, where he was living. Knew that he was using her house as an address but didn't know otherwise. He just pops up on the day of, he purchases a flight and shows up here in the United States, as you said in Maryland, not elsewhere -- in California.

I think for today's purposes, we don't have any reliable that would allow a release that would ensure that he would not flee, would not use whatever assets he has which again we are still not even clear his financial picture -- and I would suggest given the nature of this particular offense and the large dollar amount involved, there is probably money put away places we may not even know, we just don't know what he has access to.

For all of those reasons, Your Honor, the risk is too high. Perhaps it will be lower at some point in the future. But for today's proceeding, it is too high. The risk of flight is just too high. And for those purposes and those reasons, Your Honor, including the weight of the evidence against him under the factors on 3142, we would ask that he be detained.

THE COURT: Ms. McGuinn, do you have any information regarding the liquidation of the assets with respect to the timing of the liquidation of those assets?

lnc " 33

Ms. Liu made the argument that he was liquidating assets due to his unemployment status over the past couple of years. You suggested that it was part of his flight plan.

MS. McGUINN: So I will tell Your Honor the female witness who was interviewed provided an extensive statement as to her contact with the Defendant. She indicated that in the recent months leading up to the ultimate flight to the Bahamas and purchase of the home that he had told he was going to be liquidating all of his assets and then somehow get that money to the Bahamas. He actually at some point asked if she would come and live with him there.

And actually at one point, indicated that everything worked differently in the Bahamas and that purchasing the home would be done through attorneys down there. The female had actually also been to -- with him in the Bahamas in those months prior on a particular trip. So her statements so far that she has made to investigators have been corroborated by the evidence that we are seeing financially.

She indicated that he told her that he was going to start liquidating her(sic) assets and lo and behold, he is liquidating his assets.

THE COURT: Now I think I may have missed something from your earlier presentation with respect to the use of multiple phones. I think you said something in connection

lnc " 34

with witness statements about the use of multiple phones by Mr. Kamon.

MS. McGUINN: Yes.

THE COURT: Can you repeat that, please.

MS. McGUINN: Sure, Your Honor. There is some witness statements that he had started to become -- again my choice of words, paranoid about the investigation that was ongoing and was starting to cycle through phones. And I agree with counsel, I have more than one phone too. But as she indicated, her client is unemployed. So it is kind of unusual in -- when you put it together with everything the fact that he had four different phones on an international flight coming back to Maryland is somewhat suspicious.

THE COURT: And these witnesses were persons involved in the fraud scheme?

MS. McGUINN: I believe they were some of his coschemers and witnesses as well as his female witness that we spoke to and --

THE COURT: Thank you, Ms. McGuinn.

MS. McGUINN: Thank you.

THE COURT: Ms. Martin, has this cousin -- I don't know if you know who this cousin is, who has been offered from California. Has he or she been screened?

MS. MARTIN: No, I have been provided no additional information, Your Honor, since I wrote my report on Monday.

lnc " 35

THE COURT: All right. Thank you.

Anything additional, Ms. Liu?

MS. LIU: No, Your Honor. I just want to again say that there was a suggestion that my client simply popped up at BWI. And I contest that characterization. He has been in touch with his sister who lives in this district. He was coming back for reasons related to his family and again, he came back. And I think that fact Your Honor, cuts very, very strongly against his being a risk of flight. Especially since the Government now has his passport.

THE COURT: Thank you, Ms. Liu. I think for all intents and purposes, we are going to take a recess until 1:15. But I am going to remain on the bench. Ms. Liu, if you want to Mr. Kamon, we can put the husher on for you. That is fine. But I will -- I just say that for counsel's purposes. If you want to take a break until 1:15, you have the ability to do that. So we are on recess.

(Whereupon, at 1:08 p.m., a brief recess was taken and at 1:20 p.m., the hearing was recalled.)

THE COURT: All right, so this matter is before the Court on the Government's motion for pre-trial detention under Title 18 United States Code Section 3142. The issue I am presented with is whether conditions of pre-trial supervision can be imposed that would reasonably assure the safety of the community and the appearance of the Defendant,

lnc " 36

Mr. Kamon for court proceedings as required. I have reviewed the pre-trial services report and the criminal complaint filed in the Central District of California. The Defendant is charged by that criminal complaint with wire fraud in violation of Title 18 United States Code 1343 and is pending trial.

A detention hearing here is warranted as noted by Government Counsel pursuant to 3142(f)(2) because the Government has moved for detention and the case involves a serious risk of flight for reasons discussed in detail during the hearing here today. The Government is indeed requesting that the Defendant be detained pending trial based upon a risk that the Defendant will not appear for future proceedings.

The Court will order that the Defendant be detained pending trial because I find by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the Defendant for future proceedings. And as has been discussed Mr. Kamon, I am required to consider various factors that have been discussed at length by your Counsel and by the Government Counsel today. And I am going to just recite where I land on those factors for you right now to give you the basis for my ruling.

I have considered all of this available information

lnc 37

both from the pre-trial services report, the criminal complaint and what I have heard from Counsel here today regarding your history and characteristics, the nature and circumstances of the offense charged and the weight of the evidence against you. I understand that you are approximately 49 years old and that you have the wherewithal for international interstate travel based upon very recent travel that you have participated in and travel that you participated in over the past several years.

As to your family ties, Mr. Kamon, I understand that you have family both in California and in Maryland. Specifically you have a sister who lives in Maryland. One significant factor in my determination here is that you claim to pre-trial services to be living with your sister who lives in Maryland over the past few months. But it turns out that your sister didn't know where you lived. And it sounds like many people didn't know where you were during this recent time period.

You previously lived in California. But even if I went the other way on this point, your length of residence in this community has been brief. Your length of residence in California has been extensive but you have over the past several months have sought to relocate from California. So I don't find that this is a factor that cuts in favor of mitigating your risk of flight.

lnc " 38

As to your employment status, I understand that you have been unemployed for the past two years. Perhaps in connection with the dissolution or bankruptcy status of the law firm that you were working for. You had previously been employed at that law firm for many years but not withstanding your lack of employment, you appear by all indications to be a person of significant financial resources. Very significant financial resources based upon properties that you own and an apparent -- a large amount of cash that you may have on hand.

As to your criminal history, Mr. Kamon is correct, there really is none to speak of in terms of past criminal convictions. But you are currently facing a very serious Federal fraud charge pending in the Central District of California which takes me to the nature and circumstances of that offense. It involves a multi-million dollar fraud and embezzlement scheme occurring over the course of several years.

I am informed that the guidelines range based upon the factors in play in that fraud scheme, probably most significantly the loss amount that pushes the sentencing guidelines range up to 135 to 168 months, with the understanding that the sentencing guidelines are advisory but it does speak to a certainly gravity and a certain seriousness and culpability in connection with the charge

lnc " 39

that you are currently facing.

And the bottom line is that you are under threat of a very significant prison sentence that would be significant for even someone who has a very long criminal history. It would be a long sentence by any account. More troubling than just the specific and bear fact as suggested by the evidence proffered to me, but your involvement in this multi-year, multi-million fraud scheme is what you did with the resources that you have and with the resources that you have gained through the fraud scheme in the recent months.

There is a great deal of evidence that has been presented and discussed here today suggesting a flight plan. A plan to flee apprehension based upon rising suspicion that you would be implicated and related investigations of the law firm that you were working for to include -- what I mean by flight plan is that that flight plan would include liquidation of your assets according to apparently reliable witness statement. Someone who is closely involved with you. Included moving to the Bahamas, purchasing real estate in the Bahamas, possibly for purposes of gaining lawful immigration or resident status in that country.

Wiring large sums of money to the Bahamas, amounting to at least \$2.4 million. Selling and liquidating your property in California. All to aide according to what this witness said, all to aid you in this flight. Now, yes

lnc " 40

this is the word of a person apparently corroborated by a lot of the transactions that you admit that you conducted over the past several months. Although you argue that the reason why you did that is because you needed to, the fact that they just occurred over the past several months seems to suggest that it may have more to do with what this witness said which is that your rising suspicion that you will be implicated in crimes that were under investigation.

Given that the liquidation of the assets occurred primarily within this year and in fact within the past few months suggests that it had less to do with your unemployment status which spanned the past two years. The weight of the evidence in the case is very substantial as they typically are in Federal cases including bank records and witness statements.

But I don't find that as a significant factor because it is not a factor that sort of sets this case apart from a typical one. However, over all the history and characteristics of you, the nature and circumstances of the offense charged and the weight of the evidence in general tend to suggest that you are a flight risk. And I just want to make sure that I have covered all of the reasons why I am making that finding. Hold on one moment.

(Pause.)

THE COURT: Here are some smaller factors in

lnc 41

addition to the ones that I just named. I understand that there has been a significant amount of international travel by you over the past several years. That is not suggestive of a tendency to want to flee prosecution but it is suggestive of you having the means and know how to flee. If you ever had the incentive to do so. And a very high prison sentence that you face -- that you are facing does provide that incentive and the witness statement does seem to suggest that incentive was a motivating factor for you in some of your financial activities and travel over the past several months.

Much has already been said about the actual circumstances and facts of the case. I mean, we talked about embezzlement to enrich yourself with cash, upgrades to your property and escort services. Which apparently is how you got the means and how you got the financial resources to buy property in the Bahamas according to what has been proffered to me.

The fact -- another fact related to the underlying fraud is that your falsification of your firms books and their internal records seems to suggest a lack of trustworthiness, frankly. And obviously a great deal of trust would need to be placed in you by this Court in order to release your -- order your release in the circumstances of this case.

lnc 42

Now, your Counsel quite appropriately made several arguments against the notion that you were a flight risk including the fact that the Bahamas is not an extradition or has an extradition treaty with the United States suggesting that if you wanted to flee effectively you could have gone to a country that did not have the arrangement with the United States.

That you bought the property that you bought in the Bahamas under your own name. But I think that while those are factors suggesting that your flight plan was not complete in the Bahamas, it may be that the Bahamas drew you to it for other reasons including obviously it is well known attractive scenery and the fact that more important is offered by the prosecution here that it will allow you pretty easily to gain lawful status there.

And it could have served as a launch pad to further flight. It would have been easier for you to flee from the Bahamas than to fly from the United States given the circumstances of the case. It has been offered that you returned to the United States but it is also in the same breath been offered that you didn't know about this arrest warrant. And based upon your conduct and based upon the evidence that has been presented to me is that I believe that if you did know about the arrest warrant, your return would have been unlikely.

lnc 43

Understand that you have, according to your

Counsel, cooperated to some degree with legal proceedings in the past. Given that the law firm that you work for has been under investigation for quite some time. However, it appears that the same law firm didn't know where you were in the recent time as your family members also didn't know where you were.

It has been offered that you didn't leave the country until many months after becoming aware of the investigation but I don't think that cuts one way or the other really because if you hadn't -- if you didn't leave at any earlier point in time, that could have very well been based upon the fact that leaving at that point in time when you first became aware of the investigation, would have made you look guilty and complacent in the fraud that was being investigated.

So, based upon all of that, I do find by preponderance of the evidence, that you are a risk of flight and a risk of non-appearance. So the next question that I must address is whether conditions of supervision can be set that would adequately assure your appearance for future proceedings. Your Counsel offered the possibility of a bond or money being offered for a bond. But it has been -- it is apparent to me that there is a very strong possibility that any money that you offer for an adequate bond in this case,

lnc 44

to assure the Court that you would not flee, might be money that doesn't belong to you, given the allegations of the embezzlement and the fraud.

The third party custodian that is in Maryland would be unfit because she apparently didn't know where you were during the recent time period. And you didn't make discrepant information about -- you were provided discrepant information about your resident status in connection with that third party custodian. The one that has been offered in the Central District of California, I have no information about to ensure myself that that person is trustworthy and willing and able to take on the responsibilities of a third party custodian.

Understand that an effort has been made to negotiate a bond with another U.S. Attorney's office.

Nothing in my ruling is going to prevent any further negotiation that you might make with that office. And it may be that you can continue to negotiate this matter. That your Counsel can continue to acquire information that would be suggestive of your need to be or it would be appropriate for you to be released. And your Counsel would have the ability once you are in a Central District of California to seek your release there or even to appeal my ruling directly.

But at this point in time for the reasons that I have just offered, I will order your detention based upon a

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finding that no conditions or combination of conditions can assure your appearance for a future court proceeding. And I will enter a written order on the docket to reflect that ruling. Now, my understanding Ms. Liu is that Mr. Kamon has waived an identity hearing, is that correct? MS. LIU: That is correct, Your Honor. THE COURT: And Ms. McGuinn, I am not sure that I ever received a signed copy of the arrest warrant in this case. Do you have one? MS. McGUINN: Not on me at the time but I do have one on my computer at the office, I can forward that to your chambers. THE COURT: Okay. I would appreciate that. I will wait to see that before ordering the remand. Upon the production of that arrest warrant and combination with the fact that the -- Mr. Kamon has waived his identity hearing, he would be appropriate for remand to the Central District of California and I would enter that order under receipt of the copy of the arrest warrant. All right, I believe that covers everything. Is there anything else for us to cover, Ms. McGuinn? MS. McGUINN: Not for this matter, Your Honor. THE COURT: Ms. Liu, do you have anything?

MS. LIU: Your Honor just one other thing as we

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mentioned at the hearing on Monday, Mr. Kamon has some back
practice and he has indicated that those continue to be an
issue in his current situation. So I just wanted to
reiterate that. I am happy to fill out another form if that
helps.
          THE COURT: Yes, please do that right now so we can
make sure that that paperwork is properly relayed.
          MS. McGUINN: Your Honor, I had a copy on my phone.
I am going to forward it to your chambers right now.
          THE COURT: Perfect. Thank you.
          All right. Thank you for this, Ms. Liu. Did you
complete this the other day?
          MS. LIU: Yes, Your Honor.
          THE COURT: Okay so it is basically the same form
again?
          MS. LIU: It is.
          THE COURT: I apologize, I forgot that you had done
it already.
          MS. LIU: Thank you, Your Honor.
          THE COURT: Is there anything else for us to cover,
Ms. McGuinn? I think I asked that already.
          MS. McGUINN: No, Your Honor. Thank you so much.
          THE COURT: Thank you all. You are excused.
          (Whereupon, at 1:36 p.m., the hearing concludes.)
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I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

Lisa N. Contreras 12-05-22

Lisa N. Contreras

Date

Certified Transcriber

Certificate No.: CET**1251

EXHIBIT 2

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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October 31, 2022

FIRM/AFFILIATE OFFICES BOSTON HOUSTON LOS ANGELES NEW YORK PALO ALTO WASHINGTON, D.C. WILMINGTON BEIJING BRUSSELS FRANKFURT HONG KONG LONDON PARIS SÃO PAULO SEOUL SHANGHAI SINGAPORE TOKYO TORONTO

BY EMAIL

Alexander G. Tievsky Edelson P.C. 350 N. LaSalle Street, 14th floor Chicago, IL 60654 atievsky@edelson.com

RE: Edelson PC v. Girardi, et al., 20-cv-70115 (N.D.III.)

Dear Mr. Tievsky:

On behalf of Skadden, Arps, Slate, Meagher & Flom LLP ("Skadden"), a non-party to the above-referenced action (the "Litigation"), I write in response to the subpoena, dated October 7, 2022 (the "Subpoena") served on Skadden. This letter serves as Skadden's written response and objection to the Subpoena, which calls for the production of documents that are neither relevant to the claims and defenses in the Litigation nor reasonably likely to lead to the discovery of admissible evidence when we can provide the requested information without the expense of producing documents. Skadden also objects to the Subpoena to the extent it seeks documents already within the possession of your client or that could be obtained more easily from other parties to the Litigation or the other non-parties subpoenaed.

We understand that your objective is to effect service on Mr. Christopher Kamon. As his contact information is not privileged, we are willing to provide what information we have without producing documents that contain this information, if any exist. Upon review of the information below, we are willing to meet and confer if you believe that the production of non-privileged documents in Skadden's

Alexander G. Tievsky October 31, 2022 Page 2

possession, that you cannot obtain elsewhere, is necessary to obtain the material sought in the Subpoena.

In response to the Subpoena for documents containing the contact information of Mr. Christopher Kamon, Skadden has the following information:

- Last known address: 4030 Admirable Drive, Rancho Palos Verdes, CA 90275
- Last known phone number: 747-229-1821
- Last known email address: 911kamon@gmail.com

Skadden expressly reserves the right to supplement these responses. Skadden is willing to discuss the objections presented herein with counsel for Plaintiff for the purpose of resolving any disputes that may arise without the need for intervention by the Court.

If you have any questions, please call me at the number above.

Sincerely,

Charles F. Smith

From: Smith, Chuck <Charles.Smith@skadden.com>

Sent: Monday, November 07, 2022 2:50 PM

To: 'Alex Tievsky'

Cc: Haberman, Lauren A; Eli Wade-Scott; Hannah Hilligoss; Amy Hausmann

Subject: [Ext] RE: Letter re: Edelson PC v. Girardi, et al., #20-cv-07115

Alex,

We have confirmed that Skadden has no other address for Mr. Kamon.

Best, Chuck

Chuck Smith

Partner
Skadden, Arps, Slate, Meagher & Flom LLP
155 North Wacker Drive | Chicago | Illinois | 60606-1720
T: +1.312.407.0516 | M: +1 847 323-0577
charles.smith@skadden.com

pronouns: He/Him/His

Skadden

From: Alex Tievsky <atievsky@edelson.com> Sent: Tuesday, November 1, 2022 6:49 PM

To: Smith, Chuck (CHI) < Charles. Smith@skadden.com>

Cc: Haberman, Lauren A (NYC) <Lauren.Haberman@skadden.com>; Eli Wade-Scott <ewadescott@edelson.com>;

Hannah Hilligoss hilligoss@edelson.com; Amy Hausmann abhausmann@edelson.com;

Subject: Re: [Ext] Letter re: Edelson PC v. Girardi, et al., #20-cv-07115

Chuck,

Thank you for your letter. We're aware that Mr. Kamon sold his interest in the Admirable Drive property in September. Can you please double check that you do not have other information regarding Mr. Kamon's present address or any other addresses he may use? If the answer is no, then a declaration to that effect would be appropriate.

Alex

Edelson PC

Alexander G. Tievsky 350 N LaSalle St, 14th Floor, Chicago, IL 60654 d 312.589.6379 · t 312.589.6370 · edelson.com

On Mon, Oct 31, 2022 at 2:48 PM Smith, Chuck < charles.Smith@skadden.com> wrote:

Hello, Mr. Tievsky. Please see the attached letter I'm sending on behalf of Chuck Smith. The original is also being sent by U.S. Mail.

Kim	R.	Tayl	or		
Part	nei	r/Co	unsel	Secreta	arv

Skadden, Arps, Slate, Meagher & Flom LLP

155 North Wacker Drive | Chicago | Illinois | 60606-1720 T: +1.312.407.0866 | F: +1.312.407.0411 kim.taylor@skadden.com

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Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.

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Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.

EXHIBIT 3

Sent: Wednesday, December 08, 2021 10:04 AM

To: Alex Tievsky; Emily Wall

Cc: DiCanio, Jack P; Jay Edelson; Eli Wade-Scott; Amy Hausmann; Edith Matthai; Leigh Robie; Ryan Saba

Subject: [Ext] RE: Urgent: Court Order in In Re Lion Air, No. 18-cv-07686 (N.D. III.)

Attachments: 12-8-21 C Kamon Declaration re Lion Air.pdf

Hello,

In response to this Court's order for Christopher Kamon to appear in Courtroom 2303 at 10:00 A.M. on December 9, 2021 in the matter of *In re: Lion Air Flight JT 610 Crash*, 18-cv-07686-TMD (N.D. III.), please find the attached declaration stating that Mr. Kamon intends to invoke his constitutional rights pursuant to the Fifth Amendment..

It is our understanding that this declaration shall excuse Mr. Kamon from the December 9, 2021 appearance.

Sincerely,

Matthew Tako

Matthew J. Tako

Associate

Skadden, Arps, Slate, Meagher & Flom LLP

300 South Grand Avenue | Los Angeles | California | 90071-3144

<u>T: +1.213.687.5108</u> | <u>F: +1.213.621.5108</u>

matthew.tako@skadden.com

From: DiCanio, Jack P (PAL)

Sent: Wednesday, December 8, 2021 8:48 AM **To:** Alex Tievsky <atievsky@edelson.com>

Cc: Jay Edelson <jedelson@edelson.com>; Eli Wade-Scott <ewadescott@edelson.com>; Amy Hausmann

<abhausmann@edelson.com>; Edith Matthai <EMatthai@romalaw.com>; Leigh Robie <LRobie@romalaw.com>; Ryan

Saba <rsaba@rosensaba.com>; Emily Wall <Emily_Wall@ilnd.uscourts.gov>; Tako, Matthew J (LAC)

<Matthew.Tako@skadden.com>

Subject: Re: Urgent: Court Order in In Re Lion Air, No. 18-cv-07686 (N.D. Ill.)

Hi Alex. Thank you for the email. We'll circulate that letter to this group today. Best, J

Sent from my iPad

On Dec 8, 2021, at 9:38 AM, Alex Tievsky <a tensor of the control of the control

Mr. DiCanio:

I'm sending this email pursuant to the instruction of Hon. Thomas Durkin in open court this morning. Judge Durkin has asked me to inform you that Christopher Kamon is ordered to appear tomorrow

morning at 10:00 a.m. in courtroom 2303, 219 S Dearborn Street, Chicago, IL. Mr. Kamon will be excused from this appearance upon receipt of a letter from you confirming that he is exercising his Fifth Amendment right not to testify.

Judge Durkin's courtroom deputy, Emily Wall, is copied on this email.

Best, Alex Tievsky

Alexander G. Tievsky | Edelson PC

350 North LaSalle Street, 14th Floor Chicago, Illinois 60654 312.589.6379 (direct) | 312.589.6370 (firm) | 312.589.6378 (fax) atievsky@edelson.com | www.edelson.com

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Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.

AFFIDAVIT OF CHRISTOPHER KAMON

I, Christopher Kamon, hereby state under penalty of perjury that, if called as a witness in pending contempt proceedings regarding Keith Griffin and David Lira in *In re: Lion Air Flight JT 610 Crash*, 18-cv-07686-TMD (N.D. III.), I would follow the advice of my counsel and invoke my constitutional rights to remain silent.

Dated this 8th day of December, 2021, in Rancho Palos Verdes, California.

CHRISTOPHER KAMON

```
1
             Edelson firm agree with that?
             MR. EDELSON: Correct.
 2
 3
             THE COURT: Attorneys for Griffin and Lira agree with
    that?
 4
 5
             MS. MATTHAI: Yes, Your Honor.
             MR. SABA: Yes, Your Honor.
 6
 7
             THE COURT: All right. And Chris Kamon, who is
 8
    apparently the CFO or bookkeeper or some type of financial
 9
    person at Girardi Keese, I don't know if I had the attorney
10
    for Mr. Kamon on the line to acknowledge that he would take
11
    the Fifth Amendment -- exercise the Fifth Amendment privilege
12
    if called as a witness. Is that your understanding he would?
13
             MR. EDELSON: Correct, Your Honor.
14
             THE COURT: Did you have communications with his
15
    attorney?
16
             MR. TIEVSKY: So I did speak to his attorney at
17
    Skadden. I explained that Mr. Girardi had taken the Fifth and
18
    that I knew Mr. Kamon had taken the Fifth in other
19
    proceedings, but he did not specifically represent to me that
20
    Mr. Kamon would take the Fifth in this proceeding.
21
             THE COURT: Who is his attorney?
22
             MR. TIEVSKY: It's Jack DiCanio at Skadden Arps.
23
             THE COURT: Okay. Have you had an actual
24
    representation from his attorney that he would exercise his
25
    Fifth Amendment privilege in these proceedings if called?
```

MS. MATTHAI: The representation that was made to me was that Mr. Kamon did not wish to come to these proceedings.

And he did not specifically tell me that he would take the Fifth. He gave a very Skadden-esque answer to that question.

THE COURT: All right. I won't even ask to follow up on that.

How about for Mr. Griffin?

MR. SABA: Your Honor, I have not communicated with this lawyer, but I can tell you that he did take the Fifth Amendment privilege in a deposition in which it occurred in the bankruptcy court.

THE COURT: Okay. Here's what we're going to do.

Contact the attorney for Mr. Kamon, the attorney at

Skadden Arps. Let that person know that Mr. Kamon will be due
in this Court tomorrow morning at 10:00 absent a letter from
the attorney indicating that his client will exercise his

Fifth Amendment privilege if called as a witness. Otherwise,
he's here tomorrow morning. Okay? I expect we'll get a

letter, but that's the way we're going to do it because I want
it on the record. I don't want any lingering -- there was a
request by one of the attorneys saying that Mr. Griffin and
Mr. Kamon were unavailable. I want to make sure that

Mr. Kamon is truly unavailable -- I'm sorry -- Mr. Girardi and
Mr. Kamon are unavailable. Mr. Girardi is unavailable because
of his -- exercising his Fifth Amendment privilege. I want to

This

1 make sure that's true with Mr. Kamon before we let him go. MR. TIEVSKY: I could send an e-mail to Mr. DiCanio 2 3 now. 4 THE COURT: Please do that. Let me know what 5 response you get. It's got to be a letter or an e-mail 6 officially from an attorney from Mr. Kamon saying if called as 7 a witness in this proceeding he would exercise his Fifth 8 Amendment privilege. Absent that, he's here tomorrow morning 9 at 10:00. 10 Okay. Thank you. 11 MR. EDELSON: Thank you, Your Honor. 12 THE COURT: All right. Ms. Matthai. 13 MS. MATTHAI: Thank you. 14 Good morning. We thank you for having this in-person 15 hearing and for holding this matter in abeyance until we could 16 come here personally despite the troubles that the entire 17 country has had for the last almost two years now. 18 This Court has defined a scope of this hearing that 19 it's a fact-finding exercise. However, I think it is 20 important to just touch on a couple of points, that it is a 21 contempt hearing. It is not a hearing on a violation of an 22 injunction. Two different sets of laws apply. And it's also 23 important as we go through the statements and the witnesses, 24 it's going to take a careful ear to hear what is said.

Repeatedly, Mr. Edelson used the words "they."

25

EXHIBIT 4

STATEMENT OF ACCOUNT ACTIVITY

866-353-1476 www.ppbi.com

STAR EMERALD, LLC 4030 ADMIRABLE DR RANCHO PALOS VERDES CA 90275-6030 Page Branch 1 of 2 145

Account Number:

170

Date

08/31/2022

EM

of Carlotter Committee		
EVEC	ITTICE	CHECKING
FXF	HIVE	 HECKING

Acct

Summary of Activity Since Your Last Statement

Beginning Balance 8/01/22 1,383,343.12 Deposits / Misc Credits 0 .00 Withdrawals / Misc Debits 11 1,383,005.35 ** Ending Balance 337.77 ** 8/31/22 Service Charge 5.00 Average Collected Balance 401,795

Withdrawals and Debits

Date	Deposits	Withdrawals	Activity Description
8/10		1,382,515.00	BENE:BAYCOURT CHAMBERS
			TRN:P202208100069544
8/10		50.00	OUTGOING WIRE FEE-P202208100069544
8/31		5.00	BALANCE REQUIREMENT FEE

ATM / POS Transactions



Commercial Checking statement

July 1, 2022 to July 31, 2022 Account number

Account summary

Ending balance on July 31, 2022	\$639,882.09
Transfers to other accounts	-\$33,000.00
Electronic (EFT) withdrawals	-\$190,000.00
Less withdrawals ATM/Debit Card withdrawals	-\$24,875.82
Beginning balance on July 1, 2022	\$887,757.91

Call (800) 522-2265 Visit our web site www.comerica.com Write to us COMERICA BANK 21153 HAWTHORNE BLVD TORRANCE, CA 90503-4597 The Account Balance Fee for this statement period for this account is \$0.125/\$1,000. Page 1 of 3 Commercial Checking statement July 1, 2022 to July 31, 2022

Commercial Checking account details:



ATM/Debit Card transactions this statement period

Bank



Electronic withdrawals this statement period

Total Electronic Withdrawals: -\$190,000.00 Total Number of Electronic Withdrawals: 1

Transfers to other accounts this statement period



Total Transferred to Other Accounts: -\$33,000.00 Total Number of Transfers to Other Accounts: 6

Lowest daily balance

Your lowest daily balance this statement period was \$639,882.09 on July 29, 2022.

11.1..11......1.11....1.1.1.1.1.1.1 BIRCH LEASING COMPANY LLC 4030 ADMIRABLE DR RANCHO PALOS VERDES CA 90275

Commercial Checking statement

November 1, 2022 to November 30, 2022 Account number

Account summary

Beginning balance on November 1, 2022

\$6,217.35

Plus deposits

Transfers from other accounts \$700,890.00

Less withdrawals

ATM/Debit Card withdrawals -\$5,385.98

Electronic (EFT) withdrawals -\$700,000.00

Fees and service charges -\$42.30

Ending balance \$1,679.07 on November 30, 2022

To contact us

To contact us

Call

(800) 522-2265 Visit our web site

www.comerica.com

Write to us

COMERICA BANK 21153 HAWTHORNE BLVD TORRANCE, CA 90503-4597

Important information important information

The Account Balance Fee for this statement period for this account is \$0.125/\$1,000. Effective 1/1/23, the 10% reserve requirement on investable balances will be discontinued and the following fee changes will be in effect: \$29/month Account Maintenance, \$13/month Paper Statement, \$10/each Foreign Check Processing Fee. The following Sweep fees will apply to all balances: \$175 per account/month Sweep to Investment Only, \$250 per account/month Sweep to Loan Only and \$300 per account/month Sweep to Investment and Loan.

Thank you

Commercial Checking statement November 1, 2022 to November 30, 2022

Commercial Checking account details:

Transfer from other accounts this statement period

Date	Amount	Activity		reference number
Nov 04	700,000.00	Web Funds Transfer From Account	Xxxxxx2159	WB11102497
Nov 04	890.00	Web Funds Transfer From Account	Xxxxxx2159	WB11107993

Total Transferred from Other Accounts: \$700,890.00 Total Number of Transfers from Other Accounts: 2

ATM/Debit Card transactions this statement period



Electronic withdrawals this statement period

			Reference numbers		
Date	Amount (\$)	Activity	Customer I	Bank	
Nov 04	-700,000.00	Wire # 003761 Bnf Primus Trust C Fed # 000380			

Total Electronic Withdrawals: -\$700,000.00 Total Number of Electronic Withdrawals: 1

Fees and service charges this statement period

Date	Amount (\$)	Activity	Bank reference number
Nov 14	-42.30	Service Charge	0000036455

Total Fees and Service Charges: -\$42.30
Total Number of Fees and Service Charges: 1



Your lowest daily balance this statement period was \$1,304.25 on November 1, 2022.

Deference numbers

WIR:

DAILY TRANSACTION LOG BY SEQ REPORT ID: WTR#P105 07/27/2022 21:10:01 TRN: PAGE: 84742

RCVD FROM BIRCH LEASING COMPANY LLC 4030 ADMIRABLE DR

SENDER'S DDA #

AGR 6/28/22 DH

TRN REF #: 20220727-00014785 (Bank : 048) **** MESSAGE ENVELOPE ****

SND DATE: 22/07/27 EXT:

SRC: VRE CALLER: KAMON, CHRIS

AMT:190,000.00 CUR:USD CUR:USD
TYP:FTR/1000 FNDS:S CHG:DB:A CD:N COM:N CBL:N RPT# TEST: DUE:

DBT CDT ADV:FED

DERIT VAL. 22/07/27

CREDIT VAL. 22/07/27

CREDIT VAL: 22/07/27 DEBIT VAL: 22/07/27 DEPT:95836 JPMORGAN CHASE BANK, NA DEPT:95836 JPMORGAN CHAS BIRCH LEASING COMPANY LLC NEW YORK, NY 4030 ADMIRABLE DR RANCHO PALOS VERDES CA 90275 COUNTRY OF RESIDENCY: US
COUNTRY OF RESIDENCY: US
BNF BANK: SPECIAL INSTRUCTIONS: SCOTIABANK (BAHAMAS) LTD

SCOTIABANK BUILDING RAWSON SQUARE NASSAU, BS-NOSCBSNS

BNF: CHG: BK?N BAYCOURT CHAMBERS

BNF MAILING COUNTRY: BS

**** CREDIT PAYMENT MESSAGE TEXT ****

{1510} Type/Subtype Code:

10 (Transfer of funds) Type Code: 00 (Regular transfer) Subtype Code:

{2000} Amount: \$190,000.00

{3100} Sending Bank:

ABA number: Short name:

COMERICA CALIFORNI ABA lookup (AUX): COMERICA BANK SAN JOSE, CA

{3320} Sender Reference:

Case 2:22-mj-04385-DUTY Document 35-1 Filed 01/03/23 Page 70 of 102 Page ID #:401

07/27/2022 DAILY TRANSACTION LOG BY SEQ REPORT ID: WTR#P105 21:10:01 84743 TRN: PAGE: {3400} Receiving Bank:

ABA number:

Short name: JPMORGAN CHASE BANK, NA ABA lookup (AUX):

NEW YORK, NY

{3600} Business Function Code: CTP (Customer transfer plus)

{4100} Beneficiary's Bank:

SCOTIABANK (BAHAMAS) LTD SCOTIABANK BUILDING RAWSON SQUARE NASSAU, BS-NOSCBSNS

{4200} Beneficiary:

BAYCOURT CHAMBERS

{4320} Reference for Beneficiary:

{5000} Originator:

BIRCH LEASING COMPANY LLC 4030 ADMIRABLE DR RANCHO PALOS VERDES CA 90275

*** MESSAGE TEXT ***

2!GJS587!0!!!!!*^1^VRE^^D^048:1895321972^^

MESSAGE HISTORY SEQUENCE

______ 048 is the owning bank. Priority: *SYS MEMO GJS587 <u>- CB CHRIS KAMON</u> REF #: 27-JUL-2022 15:24:40.83 REF_INDEX OPRID: GJS587 TIME: 27-JUL-2022 15:24:40.83 MTRANSFTRENT_LOG SYS MEMO *CVD:15 DVD:13 PSD:100 SSD:100 DBD:1 CBD:1 *DDA_INQ_DBT *GL__INQ_CDT TEXT: *ADR MSG QUE Memo: DBT/126612 002 *DBT_AUT CALLBACKQ Memo: Rsn: ACNRP ENT

002MTRANSCALLBACK LOG OPRID: SXG003 TIME: 27-JUL-2022 15:50:22.11

Memo: Contact: KAMON, CHRIS, Via-Pin 22645

Stop_Check msg routed to EXTERNAL STOP SERVER 27-JUL *SYS MEMO

 $-2022 \ 15:50:2\overline{2}.11$

Case 2:22-mj-04385-DUTY Document 35-1 Filed 01/03/23 Page 71 of 102 Page ID #:402

08/10/2022 DAILY TRANSACTION LOG BY SEQ REPORT ID: WTR#P105 21:08:42 TRN: PAGE: 69523

RCVD FROM BIRCH LEASING COMPANY LLC 4030 ADMIRABLE DR SENDER'S DDA #

TRN REF #:

**** MESSAGE ENVELOPE **** (Bank : 048)

SND DATE: 22/08/10 SRC: VRE CALLER: KAMON, CHRIS EXT:

AMT:683,000.00 RPT# CUR:USD

CUR:USD
TYP:FTR/1000 FNDS:S CHG:DB:A CD:N COM:N CBL:N TEST: DUE:

CDT ; DBT ADV:FED DEBIT VAL: 22/08/10 CREDIT VAL: 22/08/10

DEPT:95836 JPMORGAN CHASE BANK, NA BIRCH LEASING COMPANY LLC NEW YORK, NY 4030 ADMIRABLE DR

RANCHO PALOS VERDES CA 90275 COUNTRY OF RESIDENCY: US BNF BANK: COUNTRY OF RESIDENCY: US WIR: SPECIAL INSTRUCTIONS: SCOTIABANK (BAHAMAS) LTD AGR 6/28/22 DH SCOTIABANK BUILDING RAWSON SQUARE NASSAU.BS

BNF: CHG: BK?N BAYCOURT CHAMBERS

BNF MAILING COUNTRY: BS

**** CREDIT PAYMENT MESSAGE TEXT ****

{1510} Type/Subtype Code:

Type Code: 10 (Transfer of funds) 00 (Regular transfer) Subtype Code:

{2000} Amount: \$683,000.00

{3100} Sending Bank:

ABA number: COMERICA CALIFORNI Short name: COMERICA BANK ABA lookup (AUX): SAN JOSE, CA

{3320} Sender Reference:

08/10/2022 DAILY TRANSACTION LOG BY SEQ REPORT ID: WTR#P105 21:08:42 TRN: PAGE: 69524

{3400} Receiving Bank:

ABA number:
Short name: JPMC

ABA lookup (AUX): JPMORGAN CHASE BANK, NA

NEW YORK, NY

{3600} Business Function Code: CTP (Customer transfer plus)

{4100} Beneficiary's Bank:

SCOTIABANK (BAHAMAS) LTD SCOTIABANK BUILDING RAWSON SQUARE NASSAU, BS

{4200} Beneficiary:

BAYCOURT CHAMBERS

{4320} Reference for Beneficiary:

{5000} Originator:

BIRCH LEASING COMPANY LLC 4030 ADMIRABLE DR RANCHO PALOS VERDES CA 90275

*** MESSAGE TEXT ***

2!EAJ000!0!!!!!*^1^VRE^^D^048:1895321972^^

MESSAGE HISTORY SEQUENCE

*DDA_INQ_DBT

*GL__INQ_CDT
*ADR_MSG_QUE TEXT:

Memo: DBT/126612

002 *DBT_AUT

002 *SYS_MEMO 002:CJS995-LVM FOR CHRIS X7934 4.03

002 CALLBACKQ DEQ

Memo: Rsn: ACNRP ENT O02MTRANSCALLBACK_LOG OPRID: GJS587 TIME: 10-AUG-2022 16:28:39.59

Memo: Contact: KAMON, CHRIS, Via-Pin 22645

*SYS_MEMO Stop_Check msg routed to EXTERNAL STOP SERVER 10-AUG

-2022 16:28:39.59

11/04/2022 DAILY TRANSACTION LOG BY SEQ REPORT ID: WTR#P105 20:45:18 TRN: PAGE: 21277

RCVD FROM BIRCH LEASING COMPANY LLC 4030 ADMIRABLE DR

SENDER'S DDA #

TRN REF #:

**** MESSAGE ENVELOPE **** (Bank : 048)

SND DATE: 22/11/04 EXT:

SRC: VRE CALLER: KAMON, CHRIS

AMT:700,000.00 CUR:USD RPT# TEST: DUE:

CUR:USD
TYP:FTR/1000 FNDS:S CHG:DB:A CD:N COM:N CBL:N DBT CDT ADV:FED CREDIT VAL: 22/11/04 CREDIT VAL: 22/11/04

DEPT:95836 BIRCH LEASING COMPANY LLC 4030 ADMIRABLE DR

INS PTY:/

NEW YORK, NY JPMORGAN CHASE BANK, NA

4030 ADMIRABLE DR
RANCHO PALOS VERDES CA 90275
COUNTRY OF RESIDENCY: US
INTER BK:S/BBRUBEBB
SPECIAL INSTRUCTIONS:
ING BELGIUM NV/SA (FORMERLY B
AGR 6/28/22 DH
USSELS LAMBERT SA), BRUSSELS WIR:N ING BELGIUM NV/SA (FORMERLY BANK BR AVENUE MARNIX 24 BRUSSELS, BE COUNTRY OF RESIDENCY: BE BNF BANK:S/TAKBHUHB WIR:N MTB MAGYAR TAKAREKSZOVETKEZETI BANK PETHENYI KOZ 10 BUDAPEST, HU

COUNTRY OF RESIDENCY: HU BNF:/HU7650440016100377130000 CHG: BK?N

0000

PRIMUS TRUST CORP

BNF MAILING COUNTRY: HU ORIG TO BNF INFO:

CONTRIBUTION TO PRIMUS ALL WEATHER

TRUST

**** CREDIT PAYMENT MESSAGE TEXT ****

{1510} Type/Subtype Code:

Type Code: 10 (Transfer of funds)

Case 2:22-mj-04385-DUTY Document 35-1 Filed 01/03/23 Page 74 of 102 Page ID #:405

11/04/2022 DAILY TRANSACTION LOG BY SEQ REPORT ID: WTR#P105 21278 20:45:18 TRN: PAGE:

Subtype Code:

00 (Regular transfer)

{2000} Amount:

\$700,000.00

{3100} Sending Bank:

ABA number: Short name: ABA lookup (AUX):

COMERICA CALIFORNI COMERICA BANK SAN JOSE, CA

{3320} Sender Reference:

{3400} Receiving Bank: ABA number: Short name:

JPMORGAN CHASE BANK, NA

NEW YORK, NY

{3600} Business Function Code:

ABA lookup (AUX):

CTP (Customer transfer plus)

{4000} Intermediary Bank:

B/BBRUBEBB ING BELGIUM NV/SA (FORMERLY BANK BR USSELS LAMBERT SA), BRUSSELS

AVENUE MARNIX 24

{4100} Beneficiary's Bank:

B/TAKBHUHB

 ${\tt BRUSSELS,BE}$

MTB MAGYAR TAKAREKSZOVETKEZETI BANK

PETHENYI KOZ 10 BUDAPEST, HU

{4200} Beneficiary:

PRIMUS TRUST CORP

{5000} Originator:

BIRCH LEASING COMPANY LLC 4030 ADMIRABLE DR RANCHO PALOS VERDES CA 90275

{6000} Originator to Beneficiary Info: CONTRIBUTION TO PRIMUS ALL WEATHER

{4320} Reference for Beneficiary:

TRUST

*** MESSAGE TEXT ***

2!jfp772!0!!!!!*^1^VRE^^D^048:1895321972^^

EXHIBIT 5

Important: The Public Records and commercially available data sources used on reports have errors. Data is sometimes entered poorly, processed incorrectly and is generally not free from defect. This system should not be relied upon as definitively accurate. Before relying on any data this system supplies, it should be independently verified. For Secretary of State documents, the following data is for information purposes only and is not an official record. Certified copies may be obtained from that individual state's Department of State. The criminal record data in this product or service may include records that have been expunged, sealed, or otherwise have become inaccessible to the public since the date on which the data was last updated or collected.

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Your DPPA Permissible Use: Court, Law Enforcement, or Government Agencies

Your Secondary DPPA Permissible Use: No Permissible Purpose

Your GLBA Permissible Use: Law Enforcement Purposes

Your DMF Permissible Use: Legitimate Business Purpose Pursuant to a Law, Government Rule, Regulation, or Fiduciary Duty

Comprehensive Business Report

Date: 12/20/22

Company Name: HAMMER AND WOOD

Address: 5625 CRESCENT PARK, PLAYA VISTA, CA 90094-2209, LOS ANGELES COUNTY

Phone: 310-766-1681

URL: HAMMERANDWOOD.COM

Business Summary:

LexID® Business Legal Entity: 0643-4116-9341

Business Status: (No recent public filings on file)

Established: **2015** (4 yrs in Business)
Business Activity: **02/06/2015 - 02/24/2019**

SIC: 24990000 -

Name Variations:

Company Name: HAMMER AND WOOD

TIN Variations:

[None Found]

Parent Company:

[None Found]

Business Filings:

Industry Information:

SIC Code: 2499

SIC Description: Wood Products, Nec

SIC Code: 7389

SIC Description: Business Services, Nec

Corporation Filings:

[None Found]

Registered Agents:

[None Found]

Business Registration:

Name: **HAMMER AND WOOD**

Address: 5625 CRESCENT PARK W APT 306, PLAYA VISTA, CA 90094-2209

Filing Number: 2015033589

Corporation Code: Fictitious Name

Filing Date: 02/06/2015

UCC Filings for Business:

[None Found]

Associated Businesses:

[None Found]

Connected Businesses:

Name: HAMMER AND WOOD

Address: 14311 CERISE AVE STE 106, HAWTHORNE, CA 90250-0603

Name: ROYAL PARQUET

Address: 16930A VALLEY VIEW AVE, LA MIRADA, CA 90638-5826

Associated People: **Business Contacts: Current Individuals:** [None Found] **Prior Individuals:** [None Found] **Executives: Current Executives:** [None Found] **Prior Executives:** Name: NELSON KUO Contact Title - OFFICER Assets: **Motor Vehicles:** [None Found] Properties: [None Found] **FAA Aircrafts: Current Aircraft(s):** [None Found] Prior Aircraft(s): [None Found] Watercrafts:

Current Watercrafts: [None Found]

Prior Watercrafts: [None Found]

BRAVO'S CONSTRUCTION 1499 W JEFFERSON BLVD LOS ANGELES, CA 90007-3422	1108
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ACCT 000006939825110+
REQUESTOR U751334
27136056 09/29/2022 Research 27136202 HOGAN HISTORICAL: 0000000000693982511001

BRAVO'S CONSTRUCTION 1439 W JEFFERSON BLVD LOS ANGELES, CA 90007-3422	1123 16-24/1220 4875 DATE NOV 16 2017
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FOR Acct # 69879891	15.100 ERAVO.

REQUEST 0000000008771773 10000.00 20171116 000008612415585+ ACCT 000006939825110+ REQUESTOR U751334 27136056 09/29/2022 Research 27136202 HOGAN HISTORICAL: 0000000000693982511001

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				m Q

REQUEST 0000000008771773 15000.00 20171129 000008810090412+ ACCT 000006939825110+ REQUESTOR U751334 27136056 09/29/2022 Research 27136202 HOGAN HISTORICAL: 0000000000693982511001

* 1	BRAVO'S CONSTRUCTION 1439 W JEFFERSON BLVD LOS ANGELES, CA 90007-3422 DATE JON 11/2018
	FIFTEEN Thousand & NO /20 POLLARS DE
	FOR ACT 698798985 (15) DRD RAYO.
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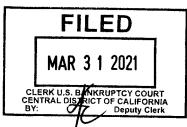
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EXHIBIT 6

Richard M. Steingard (SBN 106374)
rsteingard@SteingardLaw.com
LAW OFFICES OF RICHARD M. STEINGARD 1 800 Wilshire Boulevard, Suite 1050 Los Angeles, California 90017 Telephone: (213) 260-9449 Facsimile: (213) 260-9450 5 Attorney for Proposed Designee Christopher Kamon 7 8 9 LOS ANGELES DIVISION 10 In Re GIRARDI KEESE, 11 Chapter 7 12 Debtor. 13 ORIGINAL 14 15 16 17 18 9001(5); DECLARATIONS 19 20 21 22 23 24 25 26 27 28 OFFICES OF RICHARD V. 1 STEINGARD



UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA

Case No. 2:20-bk-21022-BR

OPPOSITION TO MOTION TO DESIGNATE CHRISTOPHER KAMON TO APPEAR OR ACT ON BEHALF OF THE DEBTOR AND COMPEL ATTENDANCE AT THE § 341(a) MEETING OF **CREDITORS PURSUANT TO** FEDERAL RULE OF BANKRUPTCY PROCEDURE

Christopher Kamon, by and through his attorney of record, Richard M. 1 2 Steingard, hereby submits this Opposition to Motion to Designate Chris Kamon to Appear or Act on Behalf of the Debtor and Compel Attendance at the § 341(a) 3 Meeting of Creditors Pursuant to Federal of Bankruptcy Procedure 9001(5). 4 In support of this Opposition, Mr. Kamon submits the following 5 memorandum of points and authorities and the attached declarations of Richard M. 6 Steingard and Christopher Kamon. 7 8 Respectfully submitted, DATED: March 31, 2021 9 10 LAW OFFICES OF RICHARD M. STEINGARD 11 12 13 14 Attorneys for Prospective Designee **CHRISTOPHER KAMON** 15 16 17 18 19 20 21 22 23 24 25 26 27 28

LAW OFFICES OF RICHARD M. STEINGARD

MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

On March 18, 2021, Elisa D. Miller, the Chapter 7 Trustee ("Trustee"), moved this Court to designate Christopher Kamon to appear and act on behalf of the debtor, and to compel his attendance at a § 341(a) meeting of the creditors pursuant to Federal Rules of Bankruptcy Procedure 9001(5). (ECF 269.) By this Opposition, Mr. Kamon opposes the Trustee's motion.

As set forth below and in the attached declarations, there is an ongoing federal criminal investigation in the Northern District of Illinois concerning the Girardi Keese law firm where Mr. Kamon was employed. If named as a designee, based on the government's investigation and the advice of counsel, Mr. Kamon intends to assert his rights under the Fifth Amendment to the U.S. Constitution and decline to make a statement or answer any questions put to him by the Trustee, creditors, or anyone else associated with this action. As such, the proposed appointment of Mr. Kamon would serve no purpose: neither the Trustee nor the creditors would obtain the information they seek. Accordingly, we ask that the Court deny the Trustee's motion.

It bears noting that before filing this Opposition, Mr. Kamon's counsel contacted the Trustee's counsel, advised that Mr. Kamon intended to assert his Fifth Amendment rights, and asked that the Trustee withdraw the instant motion. (Declaration of Richard M. Steingard at ¶ 3.) Trustee's counsel subsequently advised that the Trustee would not withdraw the motion. (*Id.*)

II.

ARGUMENT

Rule 9001(5), Federal Rules of Bankruptcy Procedure ("FRBP") states, in relevant part, "When any act is required by these rules to be performed by a debtor or when it is necessary to compel attendance of a debtor for examination and the

DEFICES OF RICH VIDEN.

debtor is not a natural person: ... (B) if the debtor is a partnership, "debtor" includes any or all of its general partners or, if designated by the court, any other person in control." In the instant case, the Trustee asserts that Christopher Kamon is "an appropriate party to designate and appear on behalf of the Debtor under RFBP 9001(5)." (ECF 269 at 6.) According to the Trustee's motion, Mr. Kamon was the Chief Financial Officer of Girardi Keese, operated and oversaw the firm's accounting department, participated in discussions with insolvency advisors and potential lenders, prepared checks on behalf of the firm (including for the firm's trust account) and was a Trustee for the firm's 401(k) plan. (*Id.*)

Accepting these allegations as true, Mr. Kamon submits that he should not be designated by the Court to appear and act on behalf of the debtor and participate at a § 341(a) meeting of the creditors. As stated in Mr. Kamon attached declaration, based on the advice of counsel, Mr. Kamon intends to assert his rights under the Fifth Amendment to the U.S. Constitution and will decline to make any statements or answer any questions put to him by the Trustee or creditors. (Declaration of Christopher Kamon at ¶ 2.) Case law makes clear that individuals retain their Fifth Amendment rights during bankruptcy proceedings. See e.g., In Re Iorizzo, 35 B.R. 465, 467 n.3 (E.D.N.Y. 1983) (recognizing that "the Iorizzos may be properly exercising their Fifth Amendment privilege against self-incrimination" even though "the Trustees' duties are considerably hindered thereby"). See also In Re Save More Foods Inc, 96 B.R. 1 (D.D.C 1989).

Nor can there be a claim that Mr. Kamon's assertion of the privilege is misplaced or frivolous. On December 14, 2020, the Hon. Thomas M. Durkin, United States District Court for the Northern District of Illinois, granted a Motion to Show Cause against the Girardi Keese law firm regarding the alleged misuse of funds in the firm's attorney trust account. (*In Re: Lion Air Flight JT 610 Crash*, Case No. 18-CV-07686 (N.D. Ill.), ECF 848.) That same date, the Court made a criminal referral of the Girardi Keese firm to the United States Attorney's Office

for the Northern District of Illinois and the government simultaneously moved to 1 unseal Mr. Girardi's Verified Motion for Rule to Show Cause. (Id. at ECF 850.) In 3 its filing, the government noted the Court's criminal referral and explained the basis for its request as follows: "The government respectfully requests that the 4 5 Court enter an order modifying its current sealing order to allow access by the USAO, and any law enforcement personnel or Department of Justice personnel 6 working with the USAO, to any materials filed under seal pursuant to the Court's 7 8 January 23, 2020 sealing order, regardless of when filed." (Id.) On December 16, 9 2020, the Court granted the government's motion. (*Id.* at ECF 869.) 10 On March 30, 2021, counsel for Mr. Kamon spoke with Assistant U.S. 11 Attorney Chris Catizano, one of the Chicago prosecutors assigned to the 12

Attorney Chris Catizano, one of the Chicago prosecutors assigned to the investigation of the Girardi Keese firm, and inquired of Mr. Kamon's status in the government's investigation. (Declaration of Richard M. Steingard at ¶ 4.)

Typically, the government assigns a label—witness, subject, or target—to an individual who has some connection to an ongoing criminal investigation. Counsel asked Mr. Catizano about Mr. Kamon's status in the investigation. Mr. Catizano advised that at this juncture, he was unable to provide a witness/subject/target description of Mr. Kamon. (*Id.*)

Nonetheless, the Trustee's allegations provide a more than sufficient basis for Mr. Kamon's assertion of the Fifth Amendment privilege. As noted above, the Trustee's motion asserts that Mr. Kamon was the CFO of Girardi Keese, operated and oversaw its accounting department, prepared checks on behalf of the firm (including checks in the trust account that formed the basis for the Court's criminal referral), participated in discussions with insolvency advisors and potential lenders, and acted as a Trustee for the firm's 401(k) plan. (ECF 269 at 6.) On these bases, Mr. Kamon's right to assert a Fifth Amendment privilege seems self-evident.

As a practical matter, Mr. Kamon's proposed designation would be futile. Because Mr. Kamon will assert his Fifth Amendment privilege and not provide the

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Trustee or creditors with any sought-after information, such a designation would 1 2 be a waste of time and resources, would not serve to advance anyone's interests, 3 and would only delay the resolution of the Chapter 7 bankruptcy proceedings. In 4 essence, the designation of Mr. Kamon and his assertion of the Fifth Amendment 5 privilege will merely postpone the Trustee's motion for another proposed designee. 6 While Mr. Kamon appreciates that the Trustee seeks a substitute for the debtor 7 who can advance her inquiry, Mr. Kamon's designation will not accomplish that 8 purpose. 9 III. 10 CONCLUSION For all the reasons set forth above, Mr. Kamon respectfully requests that the 11 12 Court deny the Trustee's motion. 13 DATED: March 31, 2021 Respectfully submitted, 14 15 LAW OFFICES OF RICHARD M. STEINGARD 16 17 18 **S**TEINGARD 19 Attorney for Proposed Designee 20 CHRISTOPHER KAMON 21 22 23 24 25 26 27 28

DECLARATION OF RICHARD M. STEINGARD

I, Richard M. Steingard, state and declare as follows:

LAW OFFICES OF RICHARD M. STEINGARD 1. I am an attorney licensed to practice in the State of California and before this Honorable Court. My firm represents Christopher Kamon in the above-captioned matter. I submit this declaration in support of Mr. Kamon's Opposition to Motion to Designate Chris Kamon to Appear or Act on Behalf of the Debtor and Compel Attendance at the § 341(a) Meeting of Creditors Pursuant to Federal of Bankruptcy Procedure 9001(5).

- 2. Since being retained, I have spoken to my client on multiple occasions. Based on our discussions, Mr. Kamon has advised me that, if designated, he will assert his rights under the Fifth Amendment to the U.S. Constitution and decline to make a statement or answer any questions by the Trustee or creditors.
- 3. On March 29, 2021, I spoke to Mr. Kamon's civil counsel, Jon Golden. Mr. Golden advised me that on March 23, 2021, after learning of the Trustee's motion, he spoke to the Trustee's counsel to advise him that, if designated, Mr. Kamon would assert his Fifth Amendment rights and decline to make a statement or answer any questions by the Trustee or creditors. Mr. Golden stated that he asked that the Trustee withdraw its motion seeking to designate Mr. Kamon. Mr. Golden advised me that on March 24, 2021, Trustee's counsel emailed him to say that the Trustee would not withdraw the motion.
- 4. On March 31, 2021, I spoke with Chris Catizano, an Assistant U.S. Attorney in the Northern District of Illinois. I had previously been advised that Mr. Catizano was one of the prosecutors assigned to the criminal investigation of Girardi Keese. After advising Mr. Catizano of the status of the Trustee's motion, I asked whether the government considered Mr. Kamon a witness,

subject, or target of their investigation. Mr. Catizano stated that at this juncture, he could not provide me with a witness/subject/target description for Mr. Kamon. I declare under penalty of perjury that the foregoing is true and correct. Executed this 31st day of March, 2021, at Los Angeles, California. Richard M. Steingard

DECLARATION OF CHRISTOPHER KAMON

I, Christopher Kamon, state and declare as follows:

- I submit this declaration in support of the Opposition to Motion to Designate
 Chris Kamon to Appear or Act on Behalf of the Debtor and Compel
 Attendance at the § 341(a) Meeting of Creditors Pursuant to Federal of
 Bankruptcy Procedure 9001(5).
- 2. I am aware that the United States Attorney's Office for the Northern District of Illinois is conducting a criminal investigation of Girardi Keese where I was employed. After discussions with my counsel, it is my intention to follow their advice and, if designated, assert my rights under the Fifth Amendment to the U.S. Constitution and decline to make a statement or answer any questions by the Trustee or creditors.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 31st day of March, 2021, at Los Angeles, California.

Christopher Kamon

1 2

LAW OFFICE S OF RICHAR

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or advers	sary proceeding. My business address is:
Law Offices of Richard M. Steingard 800 Wilshire Boulevard, Suite 1050, Los Angeles CA 90017	
A true and correct copy of the foregoing document entitled (specify): OP	POSITION TO MOTION TO DESIGNATE
CHRISTOPHER KAMON TO APPEAR OR ACT ON BEHALF OF THE D	DEBTOR AND COMPEL ATTENDANCE AT
THE § 34I(a) MEETING OF CREDITORS PURSUANT TO FEDERAL RI	ULE OF BANKRUPTCY PROCEDURE
9001(5); DECLARATIONS will be served or was served (a) on the judge in chambers in the form and the manner stated below:	d manner required by LBR 5005-2(d); and (b) in
TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC F Orders and LBR, the foregoing document will be served by the court via, I checked the CM/ECF docket for this bankruptcy can the following persons are on the Electronic Mail Notice List to receive NE below:	NEF and hyperlink to the document. On (date) se or adversary proceeding and determined that
2. <u>SERVED BY UNITED STATES MAIL</u> : On (date)03/31/2021, I served the following persons and/or entiticase or adversary proceeding by placing a true and correct copy thereof	
first class, postage prepaid, and addressed as follows. Listing the judge h judge <u>will be completed</u> no later than 24 hours after the document is filed	
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3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMI for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or control the following persons and/or entities by personal delivery, overnight mail such service method), by facsimile transmission and/or email as follows. that personal delivery on, or overnight mail to, the judge will be complete filed. The Honorable Barry Russell U.S. Bankruptcy Court Roybal Federal Building 255 East Temple Street, Suite 1660, Los Angeles, CA 90012	olling LBR, on (date) 03/31/2021, I served service, or (for those who consented in writing to Listing the judge here constitutes a declaration
	Consider information continued on attached name
Ц	Service information continued on attached page
I declare under penalty of perjury under the laws of the United States tha	t the foregoing is true and correct.
03/31/2021 Anthony K. Wong	A
Date Printed Name	Signature)

ADDITIONAL SERVICE INFORMATION (if needed):

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5	Attorney for Proposed Designee		
6	Christopher Kamon		
7			
8	UNITED STATES BA	ANKRUPTCY COURT	
9	CENTRAL DISTRI	CT OF CALIFORNIA	
10	LOS ANGEI	LES DIVISION	
11	In Re GIRARDI KEESE,	Case No. 2:20-bk-21022-BR	
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15		DESIGNATE CHRISTOPHER	
16		KAMON TO APPEAR OR ACT ON BEHALF OF THE DEBTOR AND	
17		COMPEL ATTENDANCE AT THE	
18		§ 341(a) MEETING OF	
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Christopher Kamon, by and through his attorney of record, Richard M. Steingard, hereby submits this Sur-Reply to Trustee's Reply to Opposition to Motion to Designate Chris Kamon to Appear or Act on Behalf of the Debtor and Compel Attendance at the § 341(a) Meeting of Creditors Pursuant to Federal of Bankruptcy Procedure 9001(5). DATED: April 29, 2021 Respectfully submitted, LAW OFFICES OF RICHARD M. STEINGARD /s/ RICHARD M. STEINGARD Attorney for Prospective Designee CHRISTOPHER KAMON

MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

On April 27, 2021, the Chapter 7 Trustee ("Trustee") filed a Reply to Christopher Kamon's Opposition to his designation as a substitute debtor. The Trustee makes three points: (1) Mr. Kamon concedes that he is an appropriate designee; (2) the designation of Mr. Kamon is not futile, even though he will assert his Fifth Amendment privilege and decline to make a statement or answer questions, because an adverse inference against a debtor can be drawn from an assertion of the privilege; and (3) the appointment is not futile because Mr. Kamon can then be compelled to produce all corporate documents in his possession. All three arguments are wrong or without legal support. We briefly address each below.

II.

ARGUMENT

A. Mr. Kamon Does Not Concede He is an Appropriate Designee

The Trustee first claims that Mr. Kamon conceded that he is an appropriate designee. (ECF 320 at 3.) Mr. Kamon made no such concession. Mr. Kamon's Opposition brief responded to the Trustee's claim that Mr. Kamon was the CFO of the debtor, Girardi Keese, by stating, "Accepting these arguments as true..." (ECF 290 at 4.) As the Trustee well knows, this is not a concession but a linguistic manner of addressing an argument advanced by the opposing side. To put this issue to rest, Mr. Kamon does not concede any fact or argument advanced by the Trustee.

//

B. The Trustee's Claim that Mr. Kamon's Assertion of the Fifth Amendment is a Basis to Draw Advance an Adverse Inference Against the Debtor is Without Legal Sport

As one of two bases for requesting that the Court designate Mr. Kamon, the Trustee asserts that if Mr. Kamon is so designated and asserts his Fifth Amendment privilege, the Trustee can draw an adverse inference against the debtor. (ECF 320 at 2-4.) Here, the Trustee confuses Mr. Kamon—a non-party and not the debtor—to the debtor—a party. There is an obvious difference between the two, and the cases cited by the Trustee—Baxter and Seror—only apply to "a party" or the "debtor" in an action. Baxter v. Palmigiano, 425 U.S. 308, 318 Seror v. Lopez (In re Diana Lopez), 532 B.R. 140, 159 (Bankr. C.D. Cal. 2015). Counsel is unaware of any case—and the Trustee has cited none—in which a court found that a non-party's assertion of his or her Fifth Amendment rights was a basis to draw an adverse inference against a party, or that the assertion of the Fifth Amendment by a substitute designee for a debtor is a basis for drawing an adverse inference against the debtor. Absent such a holding, the Trustee's first justification in favor of the designation fails.

C. The Trustee's Claim that Mr. Kamon's Designation Will Permit the Trustee to Compel Production of Records is False

As the second of two bases justifying the request for Mr. Kamon's designation, the Trustee claims that Mr. Kamon can then be compelled to produce any debtor's records in his possession. (ECF 320 at 4.) This too is legally baseless.

While an individual does not have Fifth Amendment right over certain documents, Mr. Kamon retains a Fifth Amendment right over the physical act of *producing* any such documents. *United States v. Doe*, 465 U.S. 605, 616 (1984) ("The act of producing the documents at issue in this case is privileged and cannot be compelled without a statutory grant of use immunity pursuant to 18 U.S.C. §§ 6002 and 6003."). This is commonly referred to as "*Doe* immunity" and is accomplished by the U.S. Attorney requesting, and a court's granting, immunity

for the act of producing any records. *See e.g.*, *Matter of Grand Jury Proceedings*, 68 F.3d 193, 194 (7th Cir. 1995). In the absence of *Doe* immunity being conferred, Mr. Kamon retains his Fifth Amendment rights.

Additionally, the Trustee's position is based solely on FRBP 9001(5), which states, in relevant part, that "[w]hen any act is required by these rules to be performed by a debtor...if the debtor is a partnership, 'debtor' includes...if designated by the court, any other person in control." (ECF 320 at 4.) As the statute explicitly states, this provision only applies to "partnerships." FRBP 9001(5)(B). The Trustee has made no showing that the debtor was a partnership and two recently filed documents indicate that the debtor was actually a sole proprietorship.

On March 27, 2021, Jason Rund, the Chapter 7 Trustee in Mr. Girardi's personal bankruptcy matter, filed a Schedule of Assets and Liabilities for Mr. Girardi in which he stated that Mr. Girardi was the 100 % sole owner of the Girardi Keese law firm. (*In Re Thomas Girardi*, Case No. 20-BK-21020, ECF 139 at 7.) More recently, on April 27, 2021, in the related case of *Welly Chandra v. Boeing International Sales Corporation*, Case No. 18-CV-07686-TMD, currently pending in the Northern District of Illinois, David Lira, a so-called "partner" at Girardi Keese, stated that Girardi Keese was not a partnership but a sole proprietorship. (ECF 1060 at 7-8.)

These pleadings place at issue the legal status of the debtor; needless to say, if the debtor is found not to be a partnership, Rule 9001(5)—upon which the Trustee solely relies for the designation—is inapplicable.

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1 III.
2 CONCLUSION
3 The Trustee has cited two grounds for claimin

The Trustee has cited two grounds for claiming that the designation of Mr. Kamon is justified and would not be an act of futility. Neither has support in the facts or law.

In light of Mr. Kamon's stated intention to assert his Fifth Amendment rights, which the Trustee does not challenge, and because the Trustee has not provided a credible reason to still have Mr. Kamon designated a substitute debtor, we respectfully ask that the Court deny the Trustee's motion.

DATED: April 29, 2021 Respectfully submitted,

LAW OFFICES OF RICHARD M. STEINGARD

/s/

RICHARD M. STEINGARD Attorney for Proposed Designee CHRISTOPHER KAMON

LAW OFFICES OF RICHARD M. STEINGARD